IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 23rd day of December, 2005

Crl. Bail Application No. 1061 of 2005

Order on the bail application of accused

Criminal Side

1. Narayan Singh S/o Bawan Singh
2. Janki Devi W/o Sri Narayan Singh
   R/o village Seri Kumdar
   P.S. & Distt. Pithoragarh ……Applicants

Versus

State of Uttaranchal …...Opposite Party

Arising out of Crime No. 1024 of 2005
Under Sections: 304 B of I.P.C.
Police Station: Kotwali
District: Pithoragarh.

Hon'ble Prafulla C. Pant, J.

This is bail application moved on behalf of the applicants Narayan Singh S/o Bhawan Singh and Janki Devi W/o Sri Narayan Singh, who are in jail in connection with Case Crime No. 1024 of 2005 under Section 304 of I.P.C., Police Station Kotwali, District- Pithoragarh.

Heard learned counsel for the applicant and learned A.G.A.

The Post Mortem Report indicates that daughter-in-law of the applicants died due to asphyxia as a result of ante mortem hanging. There is also mention of ante mortem burn injuries in the Post Mortem Report. In the F.I.R. there are serious allegations of demand of dowry made against the accused persons. Daughter-in-law of the applicant has died within 4-5 months of the marriage.

In the above circumstances, applicant No. 1 Narayan Singh does not deserve bail. However, as to the applicant No. 2- Janki Devi W/o Sri Narayan Singh since she is a lady on that account after considering all the facts and circumstances of the case without expressing any opinion as to the final merits of the case,

this Court is of the view that she deserves bail. Let the applicant No. 2- Janki Devi W/o Narayan Singh be released on bail on executing personal bond and furnishing of two surety bonds each of the like amount to the satisfaction of the Chief Judicial Magistrate, Pithoragarh. The request for bail of applicant No. 1- Narayan Singh S/o Bhawan Singh is refused.

(Prafulla C. Pant, J.)

Dt. 23.12.2005
Sweta